

EMPLOYER STATUS DETERMINATION

Towanda-Monroeton Shipper Lifeline, Inc.

This is the determination of the Railroad Retirement Board regarding the status of Towanda-Monroeton Shippers Lifeline, Inc. (TMSL) as an employer under the Railroad Retirement Act (45 U.S.C. §231 et seq.) (RRA) and Railroad Unemployment Insurance Act (45 U.S.C. §351 et seq.) (RUIA). TMSL has not previously been determined to be an employer under the RRA and the RUIA.

Information about TMSL was furnished by Mr. Joseph Zadrusky, President of TMSL. In a letter dated April 4, 1994, Mr. Zadrusky stated that the TMSL provides freight service between Towanda and Monroeton, Pennsylvania on an as needed basis. The railroad has two employees and began operations in October 1976. TMSL operates six miles of track and interchanges with Conrail, an employer under the acts engaged in the interstate transportation of freight (BA 1321).

Section 1(a)(1) of the RRA defines the term "employer" to include:

- (i) any express company, sleeping car company, and carrier by railroad, subject to [the Interstate Commerce Act];

- (ii) any company which is directly or indirectly owned or controlled by, or under common control with one or more employers as defined in paragraph (i) of this subdivision, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, [45 U.S.C. §231(a)(1)(i) and (ii)].

Section 1(a) of the RUIA (45 U.S.C. § 351(a)) contains essentially the same definition.

The evidence establishes that TMSL is a carrier by rail and operating in interstate commerce. Accordingly, it is determined that the Towanda-Monroeton Shippers Lifeline, Inc. became a rail

Towanda-Monroeton Shipper Lifeline, Inc.

carrier employer under the Railroad Retirement and Railroad Unemployment Insurance Acts effective October 1, 1976, the date on which it began operations.

Glen L. Bower

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TO: The Board

FROM: General Counsel

SUBJECT: Towanda-Monroeton Shippers Lifeline, Inc.
Employer Status

Attached is a draft decision holding that Townda-Monroeton Shippers Lifeline, Inc. is a covered employer under the Acts.

Catherine C. Cook

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